

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10 -----oo0oo-----

11 MICHAEL D. BURCH and THE  
12 BANKRUPTCY ESTATE OF MICHAEL  
D. BURCH,

NO. CIV. S-04-0038 WBS GGH

13 Plaintiffs,

14 v.

ORDER

15 REGENTS OF THE UNIVERSITY OF  
16 CALIFORNIA; LARRY VANDERHOEF;  
17 GREG WARZECKA; PAM GILL-  
FISHER;  
18 ROBERT FRANKS, and LAWRENCE  
SWANSON,

19 Defendants.

20 -----oo0oo-----

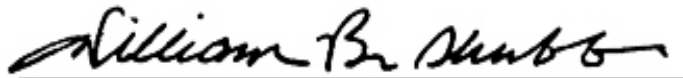
21 Defendants move ex parte for an order to continue the  
22 final pre-trial conference and to set deadlines for opposition  
23 and reply papers regarding defendants' motion for summary  
24 judgment. Plaintiffs oppose the motion.

25 The cut-off dates for discovery and the filing of  
26 dispositive motions, as well as the date of the final pre-trial  
27 conference, were set at the time of the court's initial  
28 scheduling order and subsequently modified on February 16, 2005

1 upon stipulation of the parties. The fact that defendants first  
2 sought to schedule the hearing on their motion for summary  
3 judgment on a Friday, when counsel should have known the court  
4 does not hold law and motion calendars, was not the fault of  
5 plaintiffs. Likewise, it was not plaintiffs' fault that  
6 defendants' attorney was unavailable on the next three available  
7 law and motion dates. The motion for summary judgment is now  
8 set for hearing on July 25, 2005. That will still be before the  
9 date of the final pre-trial conference. The parties will simply  
10 have to file their pre-trial statements before the court decides  
11 the motion for summary judgment, upon the assumption that the  
12 motion will be denied.

13 IT IS THEREFORE ORDERED that defendants' ex parte  
14 application for an order to continue the final pre-trial  
15 conference and to set deadlines for opposition and reply papers  
16 re motions for summary judgment be, and the same hereby is,  
17 DENIED.

18 DATED: June 22, 2005

19  
20   
21 WILLIAM B. SHUBB  
22 UNITED STATES DISTRICT JUDGE  
23  
24  
25  
26  
27  
28